IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/672,145	§	Examiner: Strange, Aaron N.
Filed: September 27, 2000	§	Group/Art Unit: 2153
Inventors:	§	Atty. Dkt. No: 5181-67300
Thomas E. Saulpaugh, et al.	§	

Title: Remote Method Invocation with Secure Messaging in a Distributed Computing Environment

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert C. Kowert
_____
Printed Name

_____   December 21, 2005
Signature   Date

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reasons stated below. Claims 1-68 are pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal. Applicants note the following clear errors in the Examiner's rejections.

The Examiner rejected claims 1-5, 11-17 and 22-28, 34, 35, 37, 41-45, 48-52, 54, 59, 63, 64, 67 and 68 under 35 U.S.C. § 103(a) as being unpatentable over Bittinger et al. (U.S. Patent 6,453,362) (hereinafter "Bittinger") in view of Winer ("XML-RPC for Newbies"). Applicants respectfully traverse this rejection.

Regarding claim 1, contrary to the Examiner's assertion, Bittinger in view of Winer fails to teach or suggest a message in the data representation language including a credential for allowing the client access to a service configured to perform functions on behalf of clients in the distributed computing environment and sending the message to the service. Bittinger teaches the use of a ticket object created by the client that a server application can use to pass a server stub object to the client. The client can then use the server stub object to invoke remote methods on the server application (Bittinger, column 6, lines 63-67, column 7, lines 42-47, and column 8, lines 15-22). The Examiner asserts (in both the rejection of claim 1 and in the Response to Arguments) that the client application address and the ticket identifier pair sent to Bittinger's authentication server represents the credential of Applicants' claim 1. However, Bittinger's use of the client application address and ticket identifier does not allow the client access to the authentication server, which the Examiner equates to the service of Applicants' claim 1. Instead, Bittinger's authentication server uses a traditional user ID and password pair to authenticate the client. Contrary to the Examiner's suggestion, the authentication server in Bittinger does not allow or disallow access by a client based on the client application address and ticket identifier. Instead, the authentication server merely passes the client application address and ticket identifier to the launched application (Bittinger, column 7, lines 32-36; column 7, line 67 – column 8, line 8). **Thus, the client application address and ticket identifier pair cannot be equated to a credential for allowing the client access to Bittinger's authentication server, as the Examiner erroneously contends.** As Winer fails to mention anything about including a credential in a message, the combination of Bittinger and Winer clearly fails to teach or suggest including a credential for allowing the client access to a service in a message in a data representation language sent to the service.

Bittinger in view of Winer also fails to teach or suggest the service examining the credential included in the message and performing a function on behalf of the client in accordance with the information representing the computer language method call included in the message if the credential is authentic. In contrast, Bittinger teaches the use of a separate server authenticating a client *prior to the launching* of the desired server application (Bittinger, column 3, lines 45-64 and column 8, lines 9-14). Bittinger fails to teach that any credential is verified by the service application that performs the function in accordance with a representation of the method call. In addition, Bittinger teaches that the application server only uses the received ticket identifier to obtain a client stub from a client repository in order to invoke an acknowledgement method of the client stub (Bittinger, column 3, lines 56-64).

The Examiner equates Bittinger's authentication server with the service of Applicants' claim 1 and also equates the client application address and ticket identifier pair with the credential of Applicants' claim 1. However, Bittinger fails to teach or suggest that his authentication server examines the client application address and ticket included in a client's request to launch an application. Instead, Bittinger teaches that the authentication server uses well-known login procedures, such as rlogin, and user ID and password pairs to authentication the client. Nowhere does Bittinger mention the authentication server examining the client application address and/or the ticket identifier before launching the requested application. The Examiner contends that by passing the client application address and the client ticket to the launched application, Bittinger's authentication service is examining the application address and ticket to determine whether they are authentic. This is blatant hindsight speculation by the Examiner. Bittinger fails to teach that his authentication server examines or authenticates the application address and ticket. Instead, Bittinger, at the Examiner's cited passage, teaches only that the client application address and ticket identifier are *used as parameters* when launching the requested application. Specifically, Bittinger states, "[u]sing parameters, such as client application address .. and the identifier for the ticket, the authentication server 26 executes the client application command to start the application" (Bittinger, column 7, lines 32-36). Thus, the Examiner's contention that Bittinger examines and authenticates the client application address and ticket identifier is clearly erroneous.

Additionally, the Examiner contends that Bittinger's authentication server does not perform any operation if it determines that the client application address and ticket identifier are not authentic. However, there is no basis in the actual teachings of Bittinger for the Examiner's assertion. Firstly, as noted above, Bittinger's authentication server does not examine or authenticate the client application address and ticket identifier. Secondly, nowhere does Bittinger mention that his authentication server does not launch the requested application if the client application address and ticket identifier are not authentic. The Examiner is merely speculating in hindsight. Without some specific teaching or suggest from Bittinger regarding his authentication server not launching the requested application after examining the client application address and ticket identifier and determining that they (the client application address and ticket identifier) are not authentic, the Examiner's contention is merely improper speculation.

Winer also fails to teach or suggest anything regarding a client including a credential in a message sent to server or about the server authenticating such a credential included in a message.

Winer therefore fails to overcome the above noted deficiencies of Bittinger. Thus, Bittinger in view of Winer clearly fails to teach or suggest a client generating a message in a data representation language, where the message includes information representing a computer programming language method call and also <u>includes a credential for allowing the client access to a service</u> configured to perform functions on behalf of clients. Additionally, Bittinger in view of Winer does not teach or suggest the service <u>examining a credential</u> included in the message also that includes a representation of the computer programming language method call <u>to determine whether or not the credential is authentic.</u>

For at least the reasons above, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested. Furthermore, the rejection of claims 25, 45, 49 and 59 is unsupported by the prior art for similar reasons as discussed above.

The Examiner's rejection of many of the dependent claims is additionally erroneous. For example, the cited art is clearly insufficient to support the rejection of claims 5, 15, 21, 28, 41 and 67, as discussed in detail in Applicants' previous response on pp. 5-7.
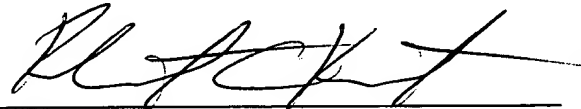
For at least the reasons above, the current rejections are clearly erroneous and removal thereof is respectfully requested.

In light of the foregoing remarks, Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5181-67300/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard
☒ Notice of Appeal

Respectfully submitted,

Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: ___December 21, 2005___